

JULIAN EARL,)
)
 Plaintiff,)
)
 VS.) No. 19-1253-JDT-cgc
)
 JACKSON GENERAL HOSPITAL,)
)
 Defendant.)

On October 24, 2019, Plaintiff Julian Earl, a former inmate at the Madison County Criminal Justice Complex in Jackson, Tennessee, filed a *pro se* civil complaint and a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) The Court issued an order on October 28, 2019, directing Earl to submit either the entire \$400 civil filing fee or a copy of his inmate trust account statement, as required by the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 4.) Earl submitted his trust account statement on November 8, 2019. (ECF No. 5.) On November 13, 2019, Earl informed the Clerk that he is no longer incarcerated and provided his new address. (ECF No. 6.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 required by 28 U.S.C. § 1914(a). While the statute provides the prisoner the opportunity to make a “downpayment” of a partial filing fee and pay the remainder in

monthly installments, in this case Earl was released before the fee was assessed under the PLRA. Under these circumstances, “the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status.” *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Earl is ORDERED to submit, on or before December 5, 2019, either a properly completed and signed non-prisoner *in forma pauperis* affidavit or the \$400 civil filing fee.¹ The Clerk shall mail Earl a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

Failure to comply with this order in a timely manner will result in the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). The Schedule of Fees set out following the statute also requires an administrative fee of \$50 for filing any civil case.